

Abstract

Restricting the effects of a patent

These theses are focused on issues of the legal options on the exceptions and limitations to patent rights. At first there is clarified fundamental terminology, especially relation between terms patent and innovation, patentable solution and also effects of the patent. Next chapters relate to the limitation on the patent effects that is the experimental use exception and also so-called Bolar exception; using the invention for non-commercial purposes; institute of compulsory licences; limitation to extemporaneous preparation of medicines in pharmacy, use of patent law articles on foreign vessels, aircrafts, land vehicles not permanently accessing from foreign countries and institute of prior user rights. The author discusses non-commercial use of the invention, which is closely related to the experimental use exception in some countries or the legal institute of compulsory licenses, contemplating negative and positive impacts and moral aspects of that decision. Regarding the scope of the experimental use exception, the author argues that the exception in need is rather narrow rather than broader. In case of compulsory licences, the author is emphasising on fair balance between the interest of patent owner rights and the concerns of nation and also comes with conclusion that the prior user rights in Czech jurisdiction provide solid base for effective and reasonable legal protection.

Key words: Restricting the effects of a patent, Experimental use exception, Prior user rights